

By: Ellis

S.B. No. 100

A BILL TO BE ENTITLED

AN ACT

relating to a request for placement of a security freeze on a consumer file maintained by a consumer reporting agency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 20.034(a), Business & Commerce Code, is amended to read as follows:

(a) On written request sent by certified mail that includes proper identification provided by a consumer [~~and a copy of a valid police report, investigative report, or complaint made under Section 32.51, Penal Code~~], a consumer reporting agency shall place a security freeze on a consumer's consumer file not later than the fifth business day after the date the agency receives the request.

SECTION 2. Section 20.04(b), Business & Commerce Code, is amended to read as follows:

(b) A consumer reporting agency may not charge a fee for:

(1) a request by a consumer for a copy of the consumer's file:

(A) made not later than the 60th day after the date on which adverse action is taken against the consumer; or

(B) made on the expiration of a 45-day security alert;

(2) notification of the deletion of information that is found to be inaccurate or can no longer be verified sent to a person designated by the consumer, as prescribed by Section 611 of

1 the Fair Credit Reporting Act (15 U.S.C. Section 1681i), as
2 amended;

3 (3) a set of instructions for understanding the
4 information presented on the consumer report;

5 (4) a toll-free telephone number that consumers may
6 call to obtain additional assistance concerning the consumer report
7 or to request a security alert; [~~or~~]

8 (5) a request for a security alert made by a consumer;
9 or

10 (6) a request for a security freeze made by a consumer
11 who has submitted to the consumer reporting agency a copy of a valid
12 police report, investigative report, or complaint involving the
13 alleged commission of an offense under Section 32.51, Penal Code.

14 SECTION 3. The change in law made by this Act applies only
15 to a request for placement of a security freeze on a consumer file
16 that is made on or after the effective date of this Act. A request
17 for placement of a security freeze on a consumer file that is made
18 before the effective date of this Act is governed by the law in
19 effect on the date the request was made, and the former law is
20 continued in effect for that purpose.

21 SECTION 4. This Act takes effect immediately if it receives
22 a vote of two-thirds of all the members elected to each house, as
23 provided by Section 39, Article III, Texas Constitution. If this
24 Act does not receive the vote necessary for immediate effect, this
25 Act takes effect September 1, 2005.